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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/902,929
Filing Date: July 10, 2001
Appellant(s): BOKHARI ET AL.

Kevin Zilka
Reg. No. 41,429
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 21 September 2006 appealing from the Office action mailed 30 January 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on 30 March 2006 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Firepad, Inc. "Fireviewer Suite Installation Manual and User's Guide". Mar, 2000.

Bachmann, Glenn. "Palm Programming". Sams Publishing, 1999. pp. i, ii, 15, 33-39.

6,610,105	Martin et al.	08-2003
4,661,000	Shinbori	04-1987

6,016,476 Maes et al. 01-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 4, 7, 9-13, 16, 18-22, 25, 27, 38, and 39 are rejected under 35 U.S.C. 103(a) as being anticipated by the Firepad FireViewer Suite User's Guide, registered 7 March 2000, hereinafter Firepad, and "Palm Programming", by Glenn Bachmann, hereinafter Bachmann.

Regarding claims 1, 10, and 19, Firepad teaches a method for displaying content selected for output on a wireless device on a management screen, wherein the content is displayed substantially as it will be displayed on the wireless device (taught as the selection of an image to be displayed on a Palm device, and the ability to preview the image as it will be seen on the device, at page 12), allowing organization of the content (performed automatically by the FireViewer of pages 21-23 that allows selection and viewing of content by content type), allowing formatting of the content (taught as the ability to select the color mode and compression of an image to be transferred, at page 12), allowing creation of a link to content

(taught as the ability to convert URLs to a Palm-readable format, at pages 15 and 16), and allowing addition of text for output on the wireless device (taught as the ability to enter a name and notes for an image file, viewable by the user in the Palm device, at pages 12-13). Furthermore, Firepad teaches outputting a preview of a display screen of the wireless device, the previews depicting how the organized and formatted content will appear on the display screen of the wireless device, the content including both textual and graphical content (taught as the entering of a file name for output to the wireless device, the file name being textual information for display on the device, at pages 13 and 14).

However, Firepad fails to explicitly teach a preview including both textual and graphical content simultaneously, the preview depicting how the organized and formatted textual and graphical content will appear on the display screen of the wireless device relative to each other.

Bachmann teaches the use of the Palm OS Emulator (POSE) for use with a wireless PDA running Palm OS software, similar to the PDA software of FireViewer. Furthermore, Bachmann teaches a preview including both textual and graphical content simultaneously, the preview depicting how the organized and formatted textual and graphical content will appear on the display screen of the wireless device relative to each other, as POSE allows for the emulation of an PDA device that is similar to its actual operation, which includes displaying and manipulating any startup, menu, or application screens that may be accessed by the PDA itself. See Bachmann, pp. 38-39.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of FireViewer and Bachmann before him at the time the invention was made to modify the preview capabilities of FireViewer to include the simultaneous display of graphics and text, as well as the relative display locations of content on a wireless device, as taught by Bachmann.

One would be motivated to make such a combination for the advantage of giving a "true preview", where the user is able to see exactly how content will be displayed on the wireless device without having to use the device itself. See Bachmann, pp. 38-39.

Regarding claims 3, 12 and 21, Firepad teaches importing a graphic directly from a data source for output on a wireless device, taught as the conversion and delivery of an image file to a Palm device, at pages 12 and 13. Furthermore, as POSE allows the user to manipulate the emulated PDA much like the real wireless device, the user would be allowed to manipulate the relative location of content on the display screen of the device, such as is allowed in Palm OS.

Regarding claims 4, 13, and 22, Firepad teaches the dragging and dropping of a link into a management screen, taught as the dragging of a local HTML file into the URL converter for selection of the file, at page 16.

Regarding claims 7, 16, and 25, while Firepad teaches the transfer of content such as images, movie files, and URLs over to a wireless device, the reference fails to explicitly teach the use of a table as the content between a managing interface and a wireless device. However, tables are well known in the art to be included in image files and many HTML files through usage of the <table> tag. Therefore, it would have been obvious to one of ordinary skill to include tables in the content supported by Firepad.

Regarding claims 9, 18, and 27, Firepad teaches implementing the FireViewer software on Palm OS devices. Palm OS software is well known to be included in such wireless devices as PDAs, handheld computers, and wireless telephones.

Regarding claims 11 and 20, Firepad teaches aggregating content in a habitat, taught as the ability to add or delete several links from a URL list before conversion to Palm-readable format, at pages 15 and 16.

Regarding claim 38, Firepad teaches aggregating content selected for output on a wireless device in a habitat (taught as the ability to add or delete several links from a URL list before conversion to Palm-readable format, at pages 15 and 16), displaying the content on a content management screen amenable to allowing formatting of the content and displaying a preview of the content as it will be seen on the device (taught as the selection of an image to be displayed on a Palm device, the ability to preview the image as it will be seen on the device, and the ability to change the format of the image, at page 12). Furthermore, Firepad teaches outputting previews of a display screen of the wireless device, the previews depicting how the organized and formatted content will appear on the display screen of the wireless device, the content including both textual and graphical content in some of the previews (taught as the entering of a file name for output to the wireless device, the file name being textual information for display on the device, at pages 13 and 14).

However, Firepad fails to explicitly teach a preview including both textual and graphical content simultaneously, the preview depicting how the organized and formatted textual and graphical content will appear on the display screen of the wireless device relative to each other.

Bachmann teaches the use of the Palm OS Emulator (POSE) for use with a wireless PDA running Palm OS software, similar to the PDA software of FireViewer. Furthermore, Bachmann teaches a preview including both textual and graphical content simultaneously, the preview depicting how the organized and formatted textual and graphical content will appear on

the display screen of the wireless device relative to each other, as POSE allows for the emulation of an PDA device that is similar to its actual operation, which includes displaying and manipulating any startup, menu, or application screens that may be accessed by the PDA itself. See Bachmann, pp. 38-39.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of FireViewer and Bachmann before him at the time the invention was made to modify the preview capabilities of FireViewer to include the simultaneous display of graphics and text, as well as the relative display locations of content on a wireless device, as taught by Bachmann.

One would be motivated to make such a combination for the advantage of giving a "true preview", where the user is able to see exactly how content will be displayed on the wireless device without having to use the device itself. See Bachmann, pp. 38-39.

Regarding claim 39, Bachmann shows at page 38 a depiction of a chassis of the wireless device as part of the wireless device display preview.

Claims 2, 28, 29, 32, 34, 35 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Firepad, Bachmann, and Martin, Jr. et al (US Patent 6,610,105), hereinafter Martin.

Regarding claim 2, Firepad and Bachmann have been shown to teach the transfer of content such as URLs to a wireless device, and outputting a preview of such content on a management screen.

However, Firepad and Bachmann fail to explicitly teach the content being aggregated in a habitat having views, each of the views having at least one window associated therewith,

wherein a user is allowed to define a number of windows associated with a particular view and at least a portion of the content associated with each view, wherein each view of the habitat represents content to be displayed in a particular view on the wireless device.

Martin teaches a method and system that facilitates participation of mobile devices in accessing resources over a data network, similar to that of Firepad and Bachmann. Furthermore, Martin teaches content being aggregated in a habitat having views, each of the views having at least one window associated therewith, wherein a user is allowed to define a number of windows associated with a particular view and at least a portion of the content associated with each view, wherein each view of the habitat represents content to be displayed in a particular view on the wireless device, taught as the presentation of a portal page that is comprised of a plurality of hyperlinks to desired sites, along with other personalized information, at col. 8, lines 17-26 and as seen in Fig. 3A.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Firepad, Bachmann, and Martin before him at the time the invention was made to modify the content management system of Firepad and Bachmann to include the aggregated content portals of Martin.

One would have been motivated to make such a combination for the advantage of providing a user with a personalized starting point for Web navigation that includes various content and links of interest to the user. See Martin, col. 1, lines 48-62.

Regarding claim 28, Firepad and Bachmann have been shown to teach the transfer of content such as URLs to a wireless device. Firepad and Bachmann also teach a method for displaying contend selected for output on a wireless device on a management screen, wherein the content is displayed substantially as it will be displayed on the wireless device, allowing

spatial organization of the content as it will be output on the wireless device, allowing formatting of the content, allowing creation of a link to content, and allowing addition of text for output on the wireless device. Furthermore, Firepad and Bachmann teach outputting previews of a display screen of the wireless device, the previews depicting how the organized and formatted content will appear on the display screen of the wireless device, the content including both textual and graphical content in some of the previews.

However, Firepad and Bachmann fail to explicitly teach content being aggregated in a habitat having views, each of the views having at least one window associated therewith, wherein a user is allowed to define a number of windows associated with a particular view and at least a portion of the content associated with each view, wherein each view of the habitat represents content to be displayed in a particular view on the wireless device. Firepad and Bachmann further fail to explicitly teach the selection of one of the links of the wireless device causing additional content to be downloaded to the wireless device from a remote data source and output on the wireless device, wherein the user is allowed to name the link to the linked content, allowing a user to configure an email service for accessing email messages on the wireless device, as well as transmitting the content to the wireless device via a wireless link.

Martin teaches a method and system that facilitates participation of mobile devices in accessing resources over a data network, similar to that of Firepad and Bachmann. Furthermore, Martin teaches content being aggregated in a habitat having views, each of the views having at least one window associated therewith, wherein a user is allowed to define a number of windows associated with a particular view and at least a portion of the content associated with each view, wherein each view of the habitat represents content to be displayed in a particular view on the wireless device, taught as the presentation of a portal page that is comprised of a plurality of hyperlinks to desired sites, along with other personalized information,

at col. 8, lines 17-26 and as seen in Fig. 3A. Furthermore, Martin teaches selection of one of the links of the wireless device causing additional content to be downloaded to the wireless device from a remote data source and output on the wireless device, wherein the user is allowed to name the link to the linked content, allowing a user to configure an email service for accessing email messages on the wireless device, as well as transmitting the content to the wireless device via a wireless link, taught at col. 2, lines 47-56, and col. 1, line 63 through col. 2, line 8. As the navigation of the Internet allows for the accession of a multitude of email services (Yahoo!, Hotmail, etc.), it is inherent that such navigation allows for the user to configure an email service for accessing email messages on the wireless device.

Therefore, Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Firepad, Bachmann, and Martin before him at the time the invention was made to modify the content management system of Firepad and Bachmann to include the aggregated content portals and the ability to download content from remote data sources of Martin.

One would have been motivated to make such a combination for the advantage of providing a user with a personalized starting point for Web navigation that includes various content and links of interest to the user. See Martin, col. 1, lines 48-62. Furthermore, one would be motivated to include World Wide Web navigation in a wireless device to allow access to the multitude of resources offered by the Internet without the constraint of a desktop computer. See Martin, col. 2, lines 6-8.

Furthermore, as the navigation of the Internet allows for the accession of a multitude of search services (Yahoo!, Google, etc.), it is inherent that such navigation allows for the user to access a web search service on the wireless device.

Regarding claim 29, Firepad teaches the dragging and dropping of a link into a management screen, taught as the dragging of a local HTML file into the URL converter for selection of the file, at page 16.

Regarding claim 32, while Firepad teaches the transfer of content such as images, movie files, and URLs over to a wireless device, the reference fails to explicitly teach the use of a table as the content between a managing interface and a wireless device. However, tables are well known in the art to be included in image files and many HTML files through usage of the <table> tag. Therefore, it would have been obvious to one of ordinary skill to include tables in the content supported by Firepad.

Regarding claims 34, Firepad teaches implementing the FireViewer software on Palm OS devices. Palm OS software is well known to be included in such wireless devices as PDAs, handheld computers, and wireless telephones.

Regarding claim 35, Martin teaches the use of a wireless telephone for accessing content over a wireless network, at col. 2, lines 2-6.

Claim 40 is rejected for substantially the same reasons as claim 28, due to the similar nature of the claimed limitations. Furthermore, as the navigation of the Internet allows for the accession of a multitude of search services (Yahoo!, Google, etc.), it is inherent that such navigation allows for the user to access a web search service on the wireless device.

Claims 5, 6, 8, 14, 15, 17, 23, 24, 26, 30, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Firepad and Shinbori (US Patent 4,661,000).

Regarding claims 5, 6, 14, 15, 23, 24, 30 and 31, Firepad and Bachmann teach a method for displaying contend selected for output on a wireless device on a management screen, wherein the content is displayed substantially as it will be displayed on the wireless device.

However, Firepad and Bachmann fail to explicitly teach the display of a configurable number of maximum characters of text and a number of lines of text upon the selection of a link.

Shinbori teaches displaying a layout of content before sending such content to an output device such as a printer (see col. 2, lines 14-19). Furthermore, Shinbori teaches the user selection of a maximum character number and maximum line number, at col. 1, line 67 through col. 2, line 4.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Firepad, Bachmann and Shinbori before him at the time the invention was made to modify the display of content as taught by Firepad and Bachmann to include the maximum character number and line preferences of Shinbori, in order to obtain a content display system wherein the user controls the layout of the content.

One would be motivated to make such a combination for the advantage of effective utilization of the display screen and improved readability of content. See Shinbori, col. 2, lines 20-27.

Regarding claims 8, 17, 26, and 33, Shinbori teaches the user selection of a maximum character number and maximum line number, at col. 1, line 67 through col. 2, line 4.

Furthermore, it is inherent that upon user selection of a hypertext document, Firepad sends the full text of the document as output to the wireless device. See Firepad, pages 21-22.

Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Firepad.

Regarding claims 36 and 37, Firepad teaches on page 15 the aggregation of content selected for output on a wireless device, having multiple views, and displaying identifying tabs for switching between views. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include a navigation tree for switching between views. Applicant has not disclosed that a navigation tree provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with Firepad because the tab method for switching views of Firepad performs the same functions as that of the claimed navigation tree. Furthermore, navigation trees are notoriously well known in the art, such as in Microsoft Windows Explorer, as is drag-and-drop functionality in such navigation trees. One would have been motivated to make such a combination for the ease of use afforded to the user by such a familiar navigational setup as is found in Microsoft Windows Explorer.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Firepad to obtain the invention as specified in claims 36 and 37.

Claims 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Firepad, Bachmann, Martin and Maes et al (US Patent 6,016,476), hereinafter Maes.

Firepad, Bachmann, and Martin teach a method for managing content for output on a wireless device, as shown *supra*.

However, Firepad, Bachmann, and Martin fail to explicitly teach the formatting of text content for audible output on either a wireless device or a wired device.

Maes teaches the use of a text-to-speech converter for use in a PDA such as those used by Firepad, at col. 5, lines 42-53. Furthermore, text-to-speech programs are notoriously well known in the art, and would have been obvious to include in a wired device, such as a personal computer.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Firepad, Bachmann, Martin and Maes before him at the time the invention was made to modify the method for managing content for output on a wireless device of Firepad, Bachmann and Martin to include the text-to-speech conversion presented by Maes in order to obtain a method for managing content for output on a wireless device where text-to-speech conversion is possible.

One would be motivated to make such a combination for the advantage of providing an aural interface to enable one to obtain information at times when a visual interface is difficult to view.

(10) Response to Argument

In response to appellant's arguments of pages 12-13 of the remarks, that the Firepad reference fails to teach the limitation of "allowing organization of the content", the examiner respectfully disagrees. As shown above, Firepad teaches a system for the display of content related to a wireless media device, including a preview of the content substantially as it will be viewed on the wireless device. Further, Firepad has been shown to teach performing organization of content automatically by the use of the FireViewer of pages 21-23, that allows selection and viewing of content by content type. Appellant argues that Firepad is "not really allowing organization of the content", and that "icons for the various content items appear to the

left on the Main View". The examiner contends that the language of the claims do not necessitate that any organization of content be done by a user or through user manipulation, and maintains that as the Firepad reference teaches the organization of content through the use of the cited content icons, organization is inherently "allowed" by the system.

In response to appellant's argument of page 13 that "the section of Firepad cited in the rejection to anticipate the requirement of allowing organization of content discusses FireViewer, which is resident on the device, not on a management screen as claimed", the examiner contends that the claim language fails to necessitate the separation of the management screen from the resident device.

In response to appellant's argument of page 13 that, "nowhere does Firepad or Bachmann teach or suggest that once someone or something is allowed to organize the content, the content as organized is shown on a preview of a display screen of the device". The examiner respectfully disagrees, and once again maintains that as the Firepad reference teaches the organization of content through the use of the cited content icons, organization is inherently "allowed" by the system. Furthermore, Firepad has been shown to teach the display of a preview of the organized content on a display screen of the device at page 12, and notes that the Palm OS Emulator (POSE) as taught by Bachmann is essentially wireless device preview software, as disclosed above.

In response to appellant's arguments of page 14, concerning the examiner's remarks with respect to allowing a user to organize content through Firepad, the examiner respectfully disagrees. Appellant has argued that the "options to change an image's category and set the image as private" and "setting such image details (i.e. Width, Height, Size, and Type)" are not related to the organization of the content. The examiner notes that the argued limitation "allowing organization of the content" is fairly broad in scope and open to the reasonable

interpretation of the examiner, who maintains that changes in content flags or image parameters are organizational actions, as cited.

In response to appellant's argument of page 14, that the Firepad reference fails to teach a "preview including both textual and graphical content simultaneously", the examiner wishes to point to appellant that while the examiner maintains that hypertext documents are notoriously well-known in the art to include both graphical and textual information, the Firepad reference is not relied upon the rejection of the claims to teach such a preview, instead relying upon a combination of Firepad with the Bachmann reference. Therefore, appellant's argument concerning the Firepad reference with the limitation of a "preview including both textual and graphical content simultaneously" is moot.

Appellant has further argued that the Bachmann reference fails to teach "a preview including both textual and graphical content simultaneously", vaguely stating that "emulating the Palm OS ROM with POSE simply fails to even suggest" such a limitation. The examiner maintains the above assertion that the Palm OS Emulator (POSE) as taught by Bachmann is essentially wireless device preview software. As Palm OS software is well-known to include graphical images such as application icons, and their related textual labels, Bachmann must teach a preview including both textual and graphical content simultaneously.

The examiner respectfully disagrees with appellant's assertion that a *prima facie* case of obviousness has not been met, as the above arguments show that the Firepad and Bachmann references, alone or in combination, disclose all of the claim limitations.

In response to appellant's arguments of pages 15-16, that the Firepad reference fails to teach a technique "wherein selection of one of the links on the wireless device causes additional content to be downloaded to the wireless device from a remote data source and output on the

wireless device", the examiner would like to note that the rejection of claim 28 acknowledges the deficiency of Firepad and Bachmann in this area, turning to the Martin reference for such a teaching. Furthermore, as cited above, the navigation of the Internet allows for the accession of a multitude of search services (Yahoo!, Google, etc.), it is inherent that such navigation allows for the user to access a web search service on the wireless device.

Similarly, appellant's argument of pages 17-18 that Firepad fails to teach "allowing linking from one window to another window in another view using the navigation tree" (claim 36), the examiner would like to note that Firepad is admittedly deficient in this area. The examiner has relied upon notoriously well-known teachings, such as Microsoft Explorer, to provide the missing limitations. Therefore, appellant's argument with respect to Firepad and claim 36 is moot.

In response to appellant's argument of page 16, that "merely representing enough of the details simply fails to disclose a technique 'wherein each view of the habitat represents content to be displayed in a particular view on the wireless device'", the examiner notes that the limitation "at least a portion of the content associated with each view" is present in claim 2. Therefore, the views of Martin need not disclose the display of all relevant content, and the examiner maintains that "enough of the details" as taught by Martin is analogous to "at least of portion of the content" as claimed, and would serve to represent the content to be displayed in a particular view.

Therefore, the examiner believes all *prima facie* issues of pages 17-18 are resolved, as the above arguments dictate that each and every claim limitation has been addressed and taught in the cited prior art.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Michael Roswell, Examiner

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